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Statement on Marijuana Reform

October 6, 2022

As I often said during my campaign for President, no one should be in jail just for using or possessing marijuana. Sending people to prison for possessing marijuana has upended too many lives and incarcerated people for conduct that many States no longer prohibit. Criminal records for marijuana possession have also imposed needless barriers to employment, housing, and educational opportunities. And while White and Black and Brown people use marijuana at similar rates, Black and Brown people have been arrested, prosecuted, and convicted at disproportionate rates.

Today I am announcing three steps that I am taking to end this failed approach. First, I am announcing a pardon of all prior Federal offenses of simple possession of marijuana. I have directed the Attorney General to develop an administrative process for the issuance of certificates of pardon to eligible individuals. There are thousands of people who have prior Federal convictions for marijuana possession, who may be denied employment, housing, or educational opportunities as a result. My action will help relieve the collateral consequences arising from these convictions.

Second, I am urging all Governors to do the same with regard to State offenses. Just as no one should be in a Federal prison solely due to the possession of marijuana, no one should be in a local jail or State prison for that reason, either.

Third, I am asking the Secretary of Health and Human Services and the Attorney General to initiate the administrative process to review expeditiously how marijuana is scheduled under Federal law. Federal law currently classifies marijuana in Schedule I of the Controlled Substances Act, the classification meant for the most dangerous substances. This is the same schedule as for heroin and LSD and even higher than the classification of fentanyl and methamphetamine, the drugs that are driving our overdose epidemic.

Finally, even as Federal and State regulation of marijuana changes, important limitations on trafficking, marketing, and underage sales should stay in place.

Too many lives have been upended because of our failed approach to marijuana. It's time that we right these wrongs.

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